

Notice of Allowability

Application No.

10/044,767

Examiner

Alexander Markoff

Applicant(s)

MATTOX, MARK ANDREW

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers received 3/8/04 and interview conducted 5/27/04.
 2. ☒ The allowed claim(s) is/are 1,3-5,7-9,11-13,15 and 16.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Alexander Markoff
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Reid on 5/28/04.

The application has been amended as follows:

In the claims

In claim 1, line 4 -- obtained by combining the constituencies -- was added after "a composition", and prior to "consisting".

In claim 5, line 3 -- obtained by combining the constituencies -- was added after "a composition", and prior to "consisting".

In claim 9, line 3 -- obtained by combining the constituencies -- was added after "a composition", and prior to "consisting".

In claim 13, line 3 -- obtained by combining the constituencies -- was added after "a composition", and prior to "consisting".

2. The following is an examiner's statement of reasons for allowance: The applicants amended the claims to clarify the method of the invention. The claims as amended meet the requirements of 35 USC 112. US 2003/0226808 is cited to show the state of the prior art with respect to treatment iron sulfide deposits with THP and THPS and ammonium salts. It is noted that neither this document, nor the other prior art of the record teach the claimed method of cleaning iron sulfide deposits. It is further noted that none of the prior art teach the use of composition as claimed to clean the referenced deposits from dry gas and oil pipelines. The prior art addresses the problem of iron sulfide in water systems in the oil fields, not the pipelines defined by the instant specification. Moreover, it is noted that none of the prior art taken alone or in combination suggests the use of the specific composition in the claimed method. In view of the lower predictability in this art and specific requirements needed to complex iron sulfide disclosed by the prior art, the examiner concludes that it would not have been obvious to an ordinary artisan at the time the invention was made to clean dry gas and oil pipelines by the claimed method. For the support of the examiner's position regarding complexity of the chemical issues and low predictability in this art, see the cited prior art and the discussion of the prior in the previous Office action. See also Declaration of Prof. Valente.

Gilbert et al (Corrosion 2002), which is not a prior art with respect to the instant application is cited for applicant's information.

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The provisional Double-Patenting rejection made in the previous Office action is withdrawn because the instant application is first to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALEXANDER MARKOFF
PRIMARY EXAMINER

Alexander Markoff

